

AMENDED IN SENATE JUNE 15, 2009

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1003

Introduced by Assembly Member John A. Perez

February 27, 2009

An act to amend Section 13823.17 of the Penal Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 1003, as amended, John A. Perez. Domestic violence grants.

Existing law establishes a grant program for the development and support of domestic violence programs and services for the gay, lesbian, bisexual, and transgender community. Existing law requires the Office of Emergency Services (OES), renamed the California Emergency Management Agency (Cal EMA), to use funds from the Equality in Prevention and Services for Domestic Abuse Fund to award up to 4 grants annually to fund domestic violence programs and services for the gay, lesbian, bisexual, and transgender community, including, but not limited to, all of the following: (1) 24-hour crisis hotlines, (2) counseling, (3) court and social service advocacy, (4) legal assistance with temporary restraining orders, devices, and custody disputes, (5) community resource and referral, (6) household establishment assistance, (7) emergency housing, and (8) educational workshops and publications.

This bill would revise that provision to instead specify that the Cal EMA shall award grants annually to fund domestic violence *intervention, education, and prevention* programs and services for that community,

including, but not limited to, any of the components described above *as well as batterers intervention*.

Existing law provides that organizations reapplying for grants under the grant program described above shall not be subject to a competitive grant process, but shall be subject to a request for application process. Existing law also provides that any organization funded through this program in the previous grant cycle shall be funded upon reapplication, except as specified.

This bill would delete the above provisions and would provide that grant recipients ~~are not subject to requirements by the state~~ *shall be required to provide at least 10% matching funds for the purposes of that section, unless this requirement is waived by the Secretary of Cal EMA*. The bill would also require grant recipients, as a condition of receiving funding, to ensure that appropriate staff and volunteers having client contact meet the definition of “domestic violence counselor” as specified by other existing law. The bill would make other related changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13823.17 of the Penal Code is amended
2 to read:
3 13823.17. (a) The Legislature finds the problem of domestic
4 violence in the gay, lesbian, bisexual, and transgender community
5 to be of serious and increasing magnitude. The Legislature also
6 finds that existing domestic violence services for this population
7 are underfunded and that members of this population are unserved
8 or underserved in the state. Therefore, it is the intent of the
9 Legislature that a goal or purpose of the California Emergency
10 Management Agency (Cal EMA) shall be to increase access to
11 ~~culturally appropriate~~ domestic violence education, prevention,
12 and services *specifically* for the gay, lesbian, bisexual, and
13 transgender community.
14 (b) The goal of this section is to establish a targeted or directed
15 grant program for the development and support of domestic
16 violence programs and services for the gay, lesbian, bisexual, and
17 transgender community. The Cal EMA shall use funds from the
18 Equality in Prevention and Services for Domestic Abuse Fund to

1 award grants annually to qualifying organizations, with at least
2 one in southern California and one in northern California, to fund
3 domestic violence programs and services *that are specific to the*
4 *lesbian, gay, bisexual, and transgender community*, including, but
5 not limited to, any of the following:

6 ~~(1) Twenty-four-hour crisis hotlines.~~
7 ~~(2) Counseling.~~
8 ~~(3) Court and social service advocacy.~~
9 ~~(4) Legal assistance with temporary restraining orders, devices,~~
10 ~~and custody disputes.~~

11 ~~(5) Community resource and referral.~~
12 ~~(6) Household establishment assistance.~~
13 ~~(7) Emergency housing.~~
14 ~~(8) Educational workshops and publications.~~

15 (1) *Counseling.*
16 (2) *Legal assistance with temporary restraining orders, devices,*
17 *and custody disputes.*

18 (3) *Court and social service advocacy.*
19 (4) *Batterers intervention.*
20 (5) *Educational workshops and publications.*
21 (6) *Community resource and referral.*
22 (7) *Emergency housing.*
23 (8) *Hotline or warmline.*
24 (9) *Household establishment assistance.*

25 (c) Each grant shall be awarded for a three-year term, *as funds*
26 *are available*, for the purposes of this section.

27 ~~(d) Grant recipients are not subject to requirements by the state~~
28 ~~to provide matching funds for the purposes of this section.~~

29 (d) *In order to be eligible to receive funds under this section,*
30 *qualified organizations must provide matching funds of at least*
31 *10 percent of the funds to be received under the section unless this*
32 *requirement is waived by the Secretary of Cal EMA, at his or her*
33 *discretion.*

34 (e) As a condition of receiving funding pursuant to this section,
35 grant recipients shall ensure that appropriate staff and volunteers
36 having client contact meet the definition of “domestic violence
37 counselor” as specified in subdivision (a) of Section 1037.1 of the
38 Evidence Code. The minimum training specified in paragraph (2)
39 of subdivision (a) of Section 1037.1 of the Evidence Code shall
40 be provided to those staff and volunteers who do not meet the

1 requirements of paragraph (1) of subdivision (a) of Section 1037.1
2 of the Evidence Code.

3 (f) In order to qualify for a grant award under this section, the
4 recipient shall be a California nonprofit organization with a
5 demonstrated history of working in the area of domestic violence
6 ~~education~~ *intervention, education*, and prevention and serving the
7 lesbian, gay, bisexual, and transgender community.

8 (g) The funding process for distributing grant awards to
9 qualifying organizations shall be administered by the Cal EMA as
10 follows:

11 (1) Grant funds shall be awarded to qualifying organizations as
12 a result of a competitive request for proposal (RFP) process. The
13 RFP process shall comply with all applicable state and federal
14 statutes and to the extent possible, the response to the RFP shall
15 not exceed 15 narrative pages, excluding attachments.

16 (2) The following criteria shall be used to evaluate grant
17 proposals:

18 (A) Whether the proposed program or services would further
19 the purpose of promoting healthy, nonviolent relationships in the
20 lesbian, gay, bisexual, and transgender community.

21 (B) Whether the proposed program or services would reach a
22 significant number of people in, and have the support of, the
23 lesbian, gay, bisexual, and transgender community.

24 (C) Whether the proposed program or services are grounded in
25 a firm understanding of *lesbian, gay, bisexual, and transgender*
26 domestic violence and represent an innovative approach to
27 addressing the issue.

28 (D) Whether the proposed program or services would reach
29 unique and underserved sectors of the lesbian, gay, bisexual, and
30 transgender community, such as youth, people of color, immigrants,
31 and transgender persons.

32 (3) Grant funds shall not be used to support any of the following:

33 (A) Scholarships.

34 (B) Awards to individuals.

35 (C) Out-of-state travel.

36 (D) Projects that are substantially completed before the
37 anticipated date of the grant award.

38 (E) Fundraising activities.

1 (h) Grant recipients may seek, receive, and make use of any
2 funds—~~which~~ *that* may be available from all public and private
3 sources to augment any funds received pursuant to this section.

4 (i) The Cal EMA may adopt rules as necessary to implement
5 the grant program created under this section.

6 (j) The Cal EMA may hire the support staff and utilize all
7 resources necessary to carry out the purposes of this section.

8 (k) For purposes of this section, “domestic violence” means the
9 infliction or threat of physical harm against past or present adult
10 or adolescent intimate partners, including physical, sexual, and
11 psychological abuse against the person, and is a part of a pattern
12 of assaultive, coercive, and controlling behaviors directed at
13 achieving compliance from or control over that person.